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C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 002575

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DEPARTMENT FOR EUR A/S FRIED

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SUBJECT: BOSNIA - SCENESETTER FOR A/S FRIED'S DECEMBER 4-5
VISIT TO SARAJEVO

REF: SARAJEVO 2574

Classified By: Ambassador Charles English. Reason 1.4(b) and (d).

11. (C) SUMMARY: After six weeks of an eyeball-to-eyeball confrontation between the High Representative, backed by the international community, and Republika Srpska (RS) PM Milorad Dodik, backed by the RS political establishment, both sides have blinked a bit. It now appears that we may have a deal on accepting the HighRep's October 19 measures, and there is a strong prospect that the EU will initial a Stabilization and Association Agreement (SAA) with Bosnia on December 4. If this holds, it will change considerably the tone of your visit from having to be the real "heavy" to instead urging Bosnia's political leaders to take advantage of a new window of opportunity to get the country back on track. We still face important challenges here, however. Bosnia's fundamental problems remain unresolved, and we will need to remind the HighRep and the Europeans that we must return to them once Kosovo is resolved. The European agenda, particularly police reform, should be the political leaders' (and the HighRep's) primary focus over the next few months, and you will want to encourage them to quickly reach the agreements necessary for Bosnia to sign an SAA. The police reform deal puts constitutional reform back on the agenda, since its central tenet is that the tough police reform issues will be put off until constitutional reform is completed. Resolution of the current crisis should reduce speculation about links between Kosovo and Bosnia, but this will not disappear. You will need to remind Republika Srpska PM Dodik that he must refrain from fueling it. END SUMMARY

Where We Are: The Details

12. (C) The outlines of a deal that would end the current political crisis now appear to be in place. The Joint Collegium (i.e. the speakers of the House of Representatives and the House of Peoples) met on November 30 and agreed on new rules of procedure, and the Parliamentary Assembly adopted them later in the day. Over the weekend, the OHR legal experts will meet with legal experts from Serb, Bosniak and Croat parties to explain the relationship between the HighRep's Council of Ministers (CoM) measure and his "Authentic Interpretation" of it. The agreements on the October 19 measures will not be without their flaws. As of this writing, the details of the CoM measure remain unclear, but to address Serb concerns, the HighRep may have opened himself up to the accusation that he has modified his own decision, something no HighRep has ever done before. We will need to coordinate closely with him and our European

colleagues on a public message that minimizes any potential damage to OHR's credibility and authority, if this is the case. Regardless, if there are no last minute surprises at the weekend meetings, and some other details fall into place before December 4, your visit could coincide with Bosnia's initialing of an SAA with the EU (Reftel). This would be a welcome development, and an important first step on the road to EU membership. This should be a prominent theme in your press events.

Where We Are: The Big Picture

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13. (C) While the proximate cause of the current political crisis was RS PM Dodik's decision to challenge the measures announced by the HighRep on October 19, the political situation in Bosnia had been deteriorating for 18 months. Its resolution, while welcome, has not changed the underlying dynamics here. Bosnia still lacks the functional and efficient state structures required to sustain it, let alone drive the Euro-Atlantic integration process, and Bosnian political leaders, particularly Dodik and Silajdzic, remain wedded to largely nationalist agendas that exacerbate ethnic divisions in the country. The crisis underscored the extent of those divisions, and the average Bosnian was genuinely worried about where they might lead. In Sarajevo cafes and around dinner tables in Banja Luka, people speculated about the prospects for another war; a small but significant group of people were worried enough that they stocked up on basic food stuffs or took out loans to have cash in hand "just in case." History and the temperament of the country's current political leadership suggest that the international community will have to remain robustly engaged to keep Bosnia on track.

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You will need to stress to the HighRep and the Europeans that once Kosovo is resolved, we will need to address Bosnia's larger structural problems and deal with the nationalist agendas of Dodik and Silajdzic.

A Return to the European Agenda

14. (C) The resolution of the current crisis and the initialing of the SAA should result in at least a short-term improvement in the political climate. Assuming political leaders are serious about implementing the Sarajevo Police Reform Implementation Plan, by no means a certainty, it should refocus their political energies (as well as the HighRep's) on Bosnia's European agenda, particularly on drafting the laws on state-level police structures called for in the Sarajevo Plan. The EU will take the lead in trying to forge a compromise. The ease with which a compromise is reached will depend upon the amount of substance the EU insists upon. Given the EU's track record on police reform, we are skeptical it will amount to much, and we should be wary of EU requests to carry their water on substance, since the last two years suggest the EU has no genuine bottom-line on police reform. Our concern must remain ensuring that political leaders move as quickly as possible to conclude a deal acceptable to the EU in order to allow Bosnia to sign its SAA. With this in mind, you will want to encourage political leaders to take advantage of the opening that they have created for themselves.

Constitutional Reform is Back on the Agenda

15. (C) At the heart of the deal among political parties on police reform is an agreement to put off the most sensitive issues, namely the structure of local police bodies, until after concluding a deal on constitutional reform. If parties agree on the draft laws outlined in the Sarajevo Plan within the deadline they have set for themselves (six months), they could take up constitutional reform as early as May 2008. Whether this is a realistic or not, we anticipate efforts by parties to position themselves for constitutional reform

talks to profoundly shape, if not drive, Bosnian politics between now and then. Though there is consensus across ethnic lines on the need for constitutional change, Serb, Bosniak and Croat constitutional visions are sharply inconsistent with -- and on some critical issues diametrically opposed to -- one another. The focus of their energies and the constitutional debate among them are almost exclusively on Bosnia's internal boundaries, rather than on the more important question of how to ensure a functional and efficient state. Political leaders and the press will likely raise constitutional reform with you, especially since it is seen as a U.S. project. You will want to continue to acknowledge the need for it, but avoid any commitments about our role in an as yet undefined future process, shifting the focus back to the steps required to sign an SAA. You should expect President Silajdzic to press hard for American help, specifically for the involvement of a constitutional expert from the American Bar Association. We recommend you suggest that we will look at our involvement in the context of a demonstrated willingness by the parties to engage constructively.

Kosovo, Bosnia, and Dodik

¶6. (C) Dodik's conduct over the last several weeks has been disconcerting. His public statements about the October 19 measures were often deliberately misleading and designed to rally public support against OHR. He instructed his RSNA associates to take a hard line approach, and then used the RSNA's position as an excuse for how his political maneuver room is limited. While privately espousing a desire to find a face-saving way out of the crisis, he failed to seize repeated opportunities to do so. Every time one of Dodik's legal concerns was addressed, another one was introduced. All this raised concerns about Dodik's intentions and generated a lot of speculation about links between Kosovo and the RS. This should decrease in the wake of agreement on the October 19 measures and the initialing of the SAA, but it is not likely to disappear altogether, and it could flare up again after December 10. You will need to repeat your April warning to Dodik that he and other RS leaders should refrain

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from linking Kosovo to the RS.

¶7. (U) Dan, we really look forward to having you here, and I am delighted to have you as my guest at the residence.
Regards,
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